Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations	)	ET Docket No. 96-256

Comments of Ericsson Inc.

Ericsson Inc. ("Ericsson") hereby submits its comments in response to the Commission's *Notice of Proposed Rule Making* in the above-captioned proceeding.[1] In support of its comments, Ericsson states as follows:

Ericsson is a manufacturer of telecommunications equipment and systems, including numerous wireless products and systems designed for a variety of services, including but not limited to, the Commercial Mobile Radio Service ("CMRS") and Private Mobile Radio Service ("PMRS"). Ericsson also holds many authorizations in the Experimental Radio Service ("ERS") and as such is qualified to submit comments in response to the NPRM.

As will be set forth in greater detail below, Ericsson supports the Commission's initiative to revise Part 5 of its rules since the proposed revisions will enable manufacturers to bring new products to the market more quickly which will result in a more competitive

[1] *In the Matter of Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations*, Notice of Proposed Rule Making, ET Docket No. 96-256, __ Rcd __ (released December 20, 1996) (hereinafter "NPRM).

equipment marketplace which will, in turn, inure to the benefit of the public. Ericsson does, however, suggest certain modifications to the Commission's proposals which it believes will make the experimental authorization licensing process more efficient. Ericsson's comments in the initial round in this proceeding will be limited to certain areas of inquiry raised by the Commission. Failure by Ericsson to comment on other issues raised in the NPRM should not be construed as support or a lack of support for the Commission's proposals in question.

I. License Period and Filing of Applications

Ericsson fully supports the Commission's proposal to extend the license term for authorizations in the ERS to 5 years. Ericsson agrees with the Commission that this will have a positive benefit by significantly reducing administrative burdens on the Commission. In addition, the proposal will significantly reduce the administrative burdens and resource commitments of entities who apply for and operate Part 5 experimental licenses on a regular basis.

While Ericsson does not take a position on whether the 5 year license term should be limited to a specific class of ERS licensee, it does believe the Commission should make provisions for a 5 year ERS license for entities that are engaged in manufacturing of radio equipment. Furthermore, Ericsson urges the FCC to adopt rules which will give manufacturers more flexibility to conduct experiments under such a license. Specifically, Ericsson suggests that rules be adopted to allow manufacturers to be licensed on a

nationwide basis[2] for a wide variety of frequency bands, modulation schemes and power levels[3] for fixed and mobile units.[4] Once licensed, the manufacturer should be able to engage in experiments in the geographic area of licensing. To ensure that the Commission is aware of the details of individual experiments conducted pursuant to a "manufacturers blanket license", the rules could require simple notification to the Commission by the licensee which provides the specific technical details of individual experiments. The licensee would, for example, be required to notify the Commission of the precise location of the experiment, the emission designator, the power level to be used, the number of base and/or mobile units in the experiment and other information the Commission deems relevant.

A rule such as that described above is important due to the nature of the competitive marketplace today. The Commission quite correctly notes that the ERS rules were last updated in 1983. In 1983 there was a scarcity of spectrum for CMRS and PMRS services and technology development, relative to today's technology environment, was plodding along. Today, there is an abundance of spectrum for all types of CMRS, PMRS and other radio services. Most importantly, the pace of technology development has increased exponentially. Almost on a daily basis, the telecommunications industry has

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[2] Some manufacturers might choose to limit the geographic area for which the license would be applicable.

[3] Under this proposal manufacturers would not be required to list the specific modulation scheme or power level since that information would be submitted to the Commission in the notification process described below.

[4] In this regard, Ericsson supports the Commission's proposal to amend Sections 5.55(a) and (b) to allow an applicant to file for fixed stations and mobile units in a single application and to permit the filing of a single application for multiple experiments. *NPRM*, para. 8.

been witness to the development of commercially viable digital radio technologies, the miniaturization of base stations and handsets and the deployment of new features on radio systems. For example, last year Ericsson introduced more than 25 handheld portable terminals into the marketplace. To be fully competitive in the marketplace and deliver systems and terminals which service providers and end users want, manufacturers have to reduce the time it takes to get product developed, tested and ultimately authorized through the equipment authorization process.

Most manufacturers use licenses in the ERS to test products in a real world environment. Rules as Ericsson described above, would substantially reduce the time it takes for manufacturers to obtain ERS authorizations and start the experiments that will lead to the commercial deployment of new products.

II. Temporary Experiments

Ericsson supports the Commission's proposal to clarify the information required to be submitted in requests for STAs. With regard to STAs in general, Ericsson supports proposed Section 5.61 of the Commission's rules. It also specifically supports a limitation on the term of STAs. However, to give licensees in the ERS as much information as possible on the manner in which the FCC will interpret its rules, Ericsson requests the Commission clarify proposed Section 5.61(b) by explaining the types of "extenuating circumstances" under which an STA will be extended beyond the original license term.

III. Limited Market Experiments

Limited market trials are valuable to licensees in the ERS to determine viability of new products in the marketplace. Ericsson fully supports the use of such trials since marketplace acceptance of base station and terminal equipment is a critical component of the development and design process. Ericsson also supports the Commission's proposal to set appropriate limits for market studies on a case-by-case basis.

However, Ericsson believes it is appropriate in the context of this proceeding to clarify what is or is not permissible when engaging in limited market trials. Clarification will serve to provide ERS licensees with guidelines on permissible activity and will consequently reduce abuses in the marketplace. For example, in a situation in which an ERS licensee is conducting an experiment in conjunction with a CMRS licensee, is it permissible to deploy base station equipment operated pursuant to an ERS license in a commercially operating system[5] to determine if it works with type accepted equipment? Not only would this provide the experimental licensee with valuable technical information, it would enable the manufacturer and CMRS licensee to determine if the new equipment was useful in a commercial deployment configuration. Similarly, the Commission should clarify whether it is permissible for an experimental licensee to sell very limited quantities of equipment operated under an experimental license to determine if there is market demand for products at various price points. This is an especially important component in the design and manufacturing process since it lets manufacturers know if there is actual

[5] In this context the term "commercially operating systems" is not limited to CMRS systems but could also include PMRS systems, microwave systems or other types of systems.

demand for a given product at a given price. The ability to actually sell limited quantities of experimental equipment provides a more realistic view of the market demand for a product since marketing surveys that do not require an actual expenditure of funds are not necessarily an accurate reflection of demand for product at a given price.

IV. Protection of Public Safety Frequencies

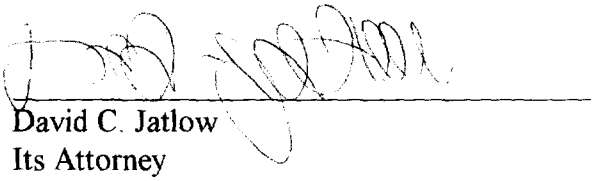
As a supplier of equipment to public safety radio licensees, Ericsson shares the Commission's concern that protection of public safety frequencies is a paramount concern. Ericsson supports the general intent of the language proposed in paragraph 22 of the NPRM, i.e., that applicants for experimental licenses should avoid public safety frequencies except to the extent necessary to perform experiments of a public safety nature.[6] Nonetheless, the language proposed in paragraph 22 is ambiguous. It is unclear whether the frequencies referred to by the term "these frequencies" in the fourth sentence refer to all Subpart B and C frequencies in Part 90 as well as certain frequencies in Subpart S of Part 90 or only the frequencies that can be used by Public Safety Radio

[6] Experimental licenses should be granted to manufacturers who manufacture in the public safety bands and public safety agencies should be able to obtain experimental licenses for beta test testing. This will help to ensure that equipment used by public safety agencies is state-of-the-art equipment.

Services in Subpart S. Ericsson suggests that the Commission should revise the language to make it clear that this term refers to all frequencies on which public safety agencies operate.

Respectfully submitted

Ericsson Inc.



David C. Jatlow
Its Attorney

Young & Jatlow
2300 N Street, N.W.
Suite 600
Washington, D.C. 20037
(202) 663-9080

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